

UNITED STATES DISTRICT COURT
NORTHERN DISTRICT OF TEXAS
DALLAS DIVISION

ZEARLINE FREENY :
P.O. Box 2004 :
507 N. Virginia Street, #205 : CASE NO.:
Terrell, TX 75160 : JURY DEMAND REQUESTED
Plaintiff, : VERIFIED CIVIL COMPLAINT
vs. : (UNLAWFUL DEBT COLLECTION PRACTICES)
TRANSWORLD SYSTEMS INC. :
2235 Mercury Way Ste 275 :
Santa Rosa, CA 95407-5413 :
Defendant. :
_____ /

VERIFIED COMPLAINT

ZEARLINE FREENY (Plaintiff), by her attorneys, THE RIFFE LAW FIRM, P.L.L.C., alleges the following against TRANSWORLD SYSTEMS INC. (Defendant):

INTRODUCTION

1. Plaintiff's Complaint is based on the Fair Debt Collection Practices Act, *15 U.S.C. 1692 et seq.* (FDCPA).

JURISDICTION AND VENUE

2. Jurisdiction of this court arises pursuant to *15 U.S.C. 1692k(d)*, which states that such actions may be brought and heard before "any appropriate United States district court without regard to the amount in controversy," and *28 U.S.C. 1367* grants this court supplemental jurisdiction over the state claims contained therein.
3. Because Defendant conducts business in Texas, personal jurisdiction is established.
4. Venue is proper pursuant to *28 U.S.C. 1391(b)(2)*.

PARTIES

5. Plaintiff is a natural person who resides in Terrell, Kaufmann County, Texas and is allegedly obligated to pay a debt, and Plaintiff is a "consumer" as that term is defined by *15 U.S.C. 1692a(3)*.
6. Pursuant to the definitions outlined in *15 U.S.C. 1692a(1-6)*, Defendant is a debt collector and sought to collect a consumer debt from Plaintiff which was allegedly due and owing from Plaintiff, and Plaintiff is a consumer debtor.
7. Defendant is a debt collector with offices nationwide, and is headquartered in Santa Rosa, California.
8. Defendant uses instrumentalities of interstate commerce or the mails in any business the principal purpose of which is the collection of any debts, or who regularly collects or attempts to collect, directly or indirectly, debts owed or due or asserted to be owed or due another and is a "debt collector" as that term is defined by *15 U.S.C. § 1692a(6)*.

9. Defendant is a collection agency that in the ordinary course of business, regularly, on behalf of itself or others, engages in debt collection.

FACTUAL ALLEGATIONS

10. Defendant constantly and continuously places collection calls to Plaintiff seeking and demanding payment for an alleged debt.
11. Defendant called Plaintiff and used offensive language and personal verbal attacks during multiple telephone calls in an attempt to collect a debt.
12. Defendant called Plaintiff from telephone number: 866-350-2898.
13. Defendant places collection calls to Plaintiff on telephone number: (972) 563-7271 x3806.

COUNT I DEFENDANT VIOLATED THE FAIR DEBT COLLECTION PRACTICES ACT

14. Defendant violated the FDCPA based on the following:
 - a. Defendant violated §1692c(a)(3) of the FDCPA by communicating with the Plaintiff in connection with the collection of a debt at her place of employment after Plaintiff informed Defendant that such communication was prohibited.
 - b. Defendant violated §1692d of the FDCPA by engaging in conduct the natural consequence of which is to harass, oppress, or abuse the Plaintiff in connection with the collection of a debt.
 - c. Defendant violated §1692d(5) of the FDCPA by causing a telephone to

ring and engaging Plaintiff in telephone conversations repeatedly and continuously with the intent to annoy, abuse, and harass Plaintiff.

WHEREFORE, Plaintiff, ZEARLINE FREENY respectfully requests judgment be entered against Defendant, TRANSWORLD SYSTEMS INC. for the following:

15. Statutory damages of \$1000.00 pursuant to the Fair Debt Collection Practices Act, *15 U.S.C. 1692k*,
16. Costs and reasonable attorneys' fees pursuant to the Fair Debt Collection Practices Act, *15 U.S.C. 1692k*
17. Any other relief that this Honorable Court deems appropriate.

DEMAND FOR JURY TRIAL

Plaintiff, ZEARLINE FREENY, requests a jury trial in this case.

Respectfully submitted,

THE RIFFE LAW FIRM, P.L.L.C.

/s/ G. Brad Riffe
G. BRAD RIFFE
State Bar # 24062265
Attorney for Plaintiff

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VERIFICATION OF COMPLAINT AND CERTIFICATION

STATE OF TEXAS

Plaintiff, ZEARLINE FREENY, states the following:

1. I am the Plaintiff in this civil proceeding.
2. I have read the above-entitled civil Complaint prepared by my attorneys and I believe that all of the facts contained in it are true, to the best of my knowledge, information and belief formed after reasonable inquiry.
3. I believe that this civil Complaint is well grounded in fact and warranted by existing law or by a good faith argument for the extension, modification or reversal of existing law.
4. I believe that this civil Complaint is not interposed for any improper purpose, such as to harass any Defendant(s), cause unnecessary delay to any Defendant(s), or create a needless increase in the cost of litigation to any Defendant(s), named in the Complaint.
5. I have filed this Complaint in good faith and solely for the purposes set forth in it.

Pursuant to 28 U.S.C. § 1746(2), I, ZEARLINE FREENY, hereby declare (or certify, verify or state) under penalty of perjury that the foregoing is true and correct.

9/1/2011
Date

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